

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/09-02/11

Date: 13 June 2013

TRIAL CHAMBER V (B)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

***IN THE CASE OF
THE PROSECUTOR V. UHURU MUIGAI KENYATTA***

**Public,
with Confidential Annex A**

Prosecution's Communication of the Disclosure of Evidence

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Adesola Adeboyejo

Counsel for Uhuru Muigai Kenyatta

Steven Kay QC and Gillian Higgins

Legal Representatives of Victims

Fergal Gaynor

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda
Caroline Walter

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel
Didier Daniel Preira

Defence Support Section

Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Fiona McKay

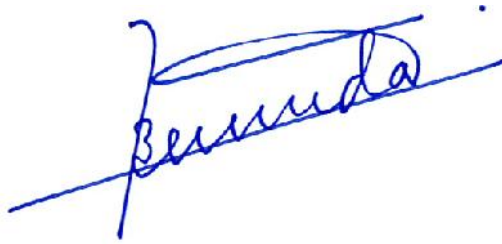
Other

1. The Prosecution submits its communication of the disclosure of incriminatory evidence pursuant to Articles 61(3)(b), 64(3)(c) and 67(1)(a) and (b) of the Statute. The Prosecution also notifies the Chamber of the disclosure of material falling within Rule 77 of the Rules of Procedure and Evidence.
2. On 12 June 2013, the Prosecution disclosed/re-disclosed to the Defence a total of 108 items, listed in Confidential Annex A. The materials were previously provided to the Defence with B.1 redactions applied to the identities of Witnesses 430, 494, 506, and 510. The Prosecution has re-disclosed the materials without the category B.1 redactions.¹ For the sake of completeness, the Prosecution disclosed Witness 494's handwritten notes created during his interview with the Prosecution.
3. The Prosecution also re-disclosed several parts of Witness 217's interview transcripts, the screening notes and other witness related documents, which contained B.1 redactions applied to protect the identity of Witness 430. Those redactions have now been lifted.
4. The effect of the above is that the Defence now has unredacted versions of the transcripts referred to in paragraphs 17-18 of its 12 June response to the Prosecution's disclosure certification.²

¹ On 7 June 2013, the Prosecution informed the Defence via e-mail of the identities of Trial Witnesses 430, 494, 506 and 510.

² ICC-01/09-02/11-759.

5. Finally, the Prosecution also issued/reissued “Related to Witness” metadata for witness-related materials emanating from the five trial witnesses who have multiple witness codes.³ The Prosecution also issued “Related to Witness” metadata for all trial witnesses’ relevant materials that previously contained incomplete fields, including those that were subject of the Chamber’s rulings on delayed disclosure.



Fatou Bensouda,
Prosecutor

Dated this 13th of June 2013

At The Hague, The Netherlands

³ During the confirmation of charges proceedings, 12 Prosecution witnesses were assigned new codes, which is how they were to be referred to in Court documents during the confirmation proceedings. Five of these are trial witnesses.